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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/008,243  | 11/07/2001  | Kevin Kelly Covey    | 1023-015US01                 | 8259             |
| 28863   | 7590        | 07/12/2004           |                              |                  |
| SHUMAKER & SIEFFERT, P. A.<br>8425 SEASONS PARKWAY<br>SUITE 105<br>ST. PAUL, MN 55125 |             |                      | EXAMINER<br>MANUEL, GEORGE C |                  |
|   |             |                      | ART UNIT<br>3762             | PAPER NUMBER     |

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4W

## Office Action Summary

Application No.

10/008,243

Applicant(s)

COVEY ET AL.

Examiner

George Manuel

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 7-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belt et al '078.

Belt et al discloses an anchor comprising snap-fastener member 52 and a lip comprising flap panel 50.

Claims 1- 5, 10, 15, 16, 18-20, 29, 30, 53, 55-59 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Janae et al '051.

Claims 17, 18, 28-31, 34, 53, 55 and 56 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Walters et al '640.

Walters et al clearly show a part (end 14) that is designed especially to be grasped by a hand.

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Claims 17-20 and 28-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Faller et al '709.

Claim 35 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nova et al '885.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 26-28, 33, 35-38, 40-43, 45-53 and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al '640 in view of Bishay et al '598.

Walters et al show all of the claimed features except for instructive pictures on the electrodes to illustrate placement of the electrodes on the patient.

Bishay et al teach using images on electrodes to assist an operator in determining placement of electrodes on a patient. One of ordinary skill in the art would have found it an obvious modification of the electrode imaging to image

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the packaging material instead of, or in addition to, the electrode imaging because the imaging is disclosed as being visible through the packaging material in Fig. 1. Fig. 1 shows a human figure oriented on the defibrillation electrode at an angle (with respect to the figure) so that when the defibrillation electrode is applied to a patient with the head of the patient and the head of the human figure in the same direction, the defibrillation electrode will be oriented at the angle.

One of ordinary skill in the art would have found it obvious to combine the teaching of Bishay et al with the electrodes of Walters et al for illustrating placement of the electrodes because the teaching of Bishay et al applies to defibrillation electrodes which are the same type of electrodes disclosed in Walters et al and because time is critical for fast electrode placement and a visual display on the electrode minimizes the time needed for an operator to place the electrodes on a patient.

Regarding claims 45, 49 and 50, one of ordinary skill in the art would have found it obvious to use distinct coloring because Bishay et al teach a combination of color usage and bolding may be employed to enhance the readability of the images. It follows that this inherently contrasts the images to the liner.

Claims 23, 24, 25, 28, 32, 35, 39, 41, 43, 44, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al '640 in view of Bishay et al '598 and further in view of Nova et al '070.

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Claims 28, 35, 41, 43 and 53 are rejected as being unpatentable over Walters et al in view of Bishay et al as stated above.

One of ordinary skill in the art would have further found it obvious to provide instructions for opening the package disclosed in Walters et al in view of the teaching in Nova et al that an additional visual instruction may be displayed for electrode package opening action.

The teaching of Nova et al applies to a similar package of defibrillator electrodes and therefore applies to the package arrangement of Walters et al in view of Bishay et al.

Claims 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al '157 in view of Jacobsson et al '465.

Freeman et al show all of the claimed features except for a ring shaped handle.

Jacobsson et al teach it is well known to us a ring shaped handle to assist opening a package. See col. 2, line 29-32, "packing containers are opened in that the tearing strip with the help of a readily grippable pull-tab or pull-ring is pulled upwards and backwards".

One of ordinary skill in the art would have found it obvious to modify the tab 40 to have a ring shape because as Jacobsson et al show, it is well known in the art of packaging materials to use a ring shape so a person opening the

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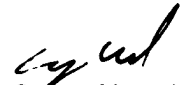
package can insert a finger or use the index finger and thumb to grasp the ring shaped tab to assist in opening.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (703) 308-2118.

  
George Manuel  
Primary Examiner  
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7/9/04